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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/778,015	02/12/2004	Jaakko Halme	NOKM.085PA	3350
7590 Hollingsworth & Funk, LLC 8009 34 th Avenue South, Suite 125 Minneapolis, MN 55425			EXAMINER SIDDIQI, MOHAMMAD A	
			ART UNIT 2454	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/778,015

Applicant(s)

HALME, JAAKKO

Examiner

MOHAMMAD A. SIDDIQI

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 06/21/2004
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 and 10-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:
 - (A) statements of intended use or field of use,
 - (B) "adapted to" or "adapted for" clauses,
 - (C) "wherein" clauses, or

(D) "whereby" clauses. Please see MPEP 2106.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-3 and 6-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (6,829,475) (Hereinafter Lee).

6. As per claim 1, Lee discloses a system for creating metadata enhanced data objects associated with a broadcasting entity of a network (fig 1), comprising:

a network terminal coupled to the network (40, fig 1), the network terminal comprising:

data acquisition modules adapted to receive information associated with the broadcasting entity and to form data objects from the information received (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54); and

data exchange modules adapted to share the data objects with other network terminals within the network (20, fig 2, col 8, lines 31-56); and

a broadcast entity coupled to the network and adapted to provide broadcast data to the network terminal (42, fig 1, col 6, lines 1-13), wherein the data acquisition modules are adapted to combine the broadcast data with the data objects (col 14, lines 43-51) to form metadata enhanced data objects for subsequent access by the network terminal and the other network terminals (40, fig 1, col 7, lines 40-45; col 14, lines 43-51).

7. As per claim 2, Lee discloses the data acquisition modules comprise a browser adapted to download the information from a Uniform Resource Locator (URL) associated with the broadcasting entity (100, fig 2, col 14, lines 43-51).

8. As per claim 3, Lee discloses the data acquisition modules comprise a Radio Data Service (RDS) module adapted to receive the information from a broadcast channel of the broadcast entity (col 2, lines 55-64).

9. As per claim 6, Lee discloses the data exchange modules comprise a messaging module adapted to provide the metadata enhanced data objects via a wide area connection (100, fig 2, col 7, lines 40-45; col 14, lines 43-51).

10. As per claim 7, Lee discloses the data exchange modules comprise a proximity module adapted to provide the metadata enhanced data objects to the other network terminals that are within a proximity of the network terminal (110,100, fig 2, col 7, lines 40-45; col 14, lines 43-51).

11. As per claim 8, Lee discloses the proximity module comprises one of a wired or a wireless module (20 fig 2, col 12, lines 45-55).

12. As per claim 9, Lee discloses the wireless module comprises one of a Bluetooth, Wireless Local Area Network (WLAN), and an Infrared module (60, 70, fig 1).

13. As per claim 10, Lee discloses the network terminal further comprises a data controller adapted to record the broadcast data provided by the broadcast entity (42, fig 1, col 6, lines 1-13).

14. As per claim 11, Lee discloses the network terminal further comprises a data controller adapted to extract the broadcast data provided by the broadcast entity from the RDS broadcast (col 3, lines 18-29; col 6, lines 1-13).

15. As per claim 12, Lee discloses the network terminal further comprises a data controller adapted to extract the broadcast data provided by the broadcast entity from

the URL (100, fig 2, col 14, lines 43-51).

16. As per claim 13, Lee discloses a mobile terminal capable of being wirelessly coupled to a network which includes a broadcast element capable of providing broadcast content within the network (fig 1), the mobile terminal comprising:

a memory capable of storing at least an enhanced data processing module (40, fig 1);

a processor coupled to the memory and configured by the enhanced data processing module to combine the broadcast content received from the broadcast element (42, fig 1, col 6, lines 1-13) with data associated with the broadcast element to form metadata enhanced data objects (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54); and

a transceiver (elements of fig 3) configured to facilitate exchange of the metadata enhanced data objects with a plurality of network elements wirelessly coupled to the network (40, fig 1, col 7, lines 40-45; col 14, lines 43-51).

17. As per claim 14, Lee discloses the enhanced data processing module is adapted to play back an audio portion of the metadata enhanced data objects accessed by an Internet browser associated with the mobile terminal (40, fig 1, col 7, lines 40-45; col 14, lines 43-51).

18. As per claim 15, Lee discloses the transceiver is configured for proximity exchange with the plurality of network elements (elements of fig 3).

19. As per claim 16, Lee discloses the proximity exchange comprises a Bluetooth enabled exchange (60, 70, fig 1).

20. As per claim 17, Lee discloses the transceiver is configured for a wide area exchange with the plurality of network elements (elements of fig 3).

21. As per claim 18, Lee discloses the wide area exchange comprises a Multimedia Message Service (MMS) enabled exchange (multimedia receiver, fig 2 and 20 fig 1).

22. As per claim 19, Lee discloses A computer-readable medium having instructions stored thereon which are executable by a mobile terminal for facilitating metadata enhanced data creation by performing steps comprising:

accessing data associated with a broadcasting entity, wherein the data includes audio data generated by the broadcasting entity (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54);

forming metadata enhanced data objects from the data (40, fig 1, col 7, lines 40-45; col 14, lines 43-51);

accessing the metadata enhanced data objects to facilitate playback of audio portions (fig 2) of the metadata enhanced data object (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54); and

sharing the metadata enhanced data objects with other mobile terminals within the network (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54).

23. As per claim 20, Lee discloses creating a metadata enhanced data object within a network, comprising: accumulating data associated with a broadcast entity, wherein the data includes audio data generated by the broadcast entity; and generating metadata enhanced data objects from the accumulated data (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54; .

24. As per claim 21 discloses accumulating the data comprises downloading the data from a Uniform Resource Locator (URL) associated with the broadcast entity (100, fig 2, col 14, lines 43-51; col 7, lines 40-45, col 8, lines 43-54).

25. As per claim 22, Lee discloses accumulating the data comprises deriving the data from a Radio Data System (RDS) broadcast from the broadcast entity (col 2, lines 55-64).

26. As per claim 23, Lee discloses providing access to the metadata enhanced data objects with a plurality of terminals within the network (elements of fig 3).

27. As per claim 24, Lee discloses a system for creating a metadata enhanced data object within a network, comprising: means for accumulating data associated with a broadcast entity, wherein the data includes audio data generated by the broadcast entity (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54); means for generating metadata enhanced data objects from the accumulated data (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54);

means for sharing the metadata enhanced data objects with terminals within the network (20, Fig 2, col 7, lines 40-45; Col 8, lines col 14, lines 43-54).

Claim Rejections - 35 USC § 103

28. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

29. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (6,829,475) (Hereinafter Lee) in view of Ozzie et al. (6,640,241) (Hereinafter Ozzie).

30. As per claim 4, Lee did not disclose a presence server coupled to the network and adapted to provide presence information associated with the broadcast entity. However Ozzie discloses a presence server (430, Fig 4 and 622, fig 6) coupled to the

network and adapted to provide presence information associated with the broadcast entity (430, Fig 4 and 622, fig 6; col 15, lines 25-51). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Ozzie and Lee. The motivation would have been developing providing the status of the network-capable devices such as device is connected to the network ("online") and capable of receiving information from the remote device.

31. As per claim 5, the claim is rejected for the same reasons as claim 4 above. In addition, Ozzie discloses the data acquisition modules comprise a presence module adapted to receive the presence information from the presence server (430, Fig 4 and 622, fig 6; col 15, lines 25-51).

Conclusion

32. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,507,727

U.S. Patent 5,905,865

U.S. Patent 6,219,696

U.S. Patent 6,356,761

U.S. Patent 6,516,191

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD A. SIDDIQI whose telephone number is (571)272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MS

/Larry D Donaghue/
Primary Examiner, Art Unit 2454